

Appl. No. 09/773,943  
Amendment/Response to Office Action

Docket No. 85804-019600

### REMARKS

The present application has been reviewed in light of the Office Action dated July 15, 2005. Claims 1, 2 and 4 to 15 are the pending claims, of which Claims 1, 8, 9 and 12 are the independent claims. Claims 1 and 7 are being amended, and Claims 12 to 15 are being added. Reconsideration and further examination are respectfully requested.

Claim 7 is rejected under 35 U.S.C. § 112, second paragraph, for indefiniteness, as Claim 7 lacks antecedent basis for the script command. In response, Claim 7 is being amended. Reconsideration and withdrawal of the § 112, second paragraph rejection are therefore respectfully requested.

By the Office Action, Claims 1, 2 and 4 to 11 are rejected under 35 U.S.C. § 102(e) over U.S. Patent No. 6,760,916 (Holtz). Reconsideration and withdrawal of the rejection are respectfully requested.

Holtz was filed on April 18, 2001, which is after the January 31, 2001 filing date of the present Application. Thus, the Examiner must be relying on one or more of the applications to which Holtz claims benefit. In this regard, Holtz indicates that it is a continuation-in-part of U.S. Patent Application No. 09/634,735, filed on August 8, 2000, which is a continuation-in-part of U.S. Patent Application No. 09/488,578, filed on January 21, 2000, which is a continuation-in-part of U.S. Patent Application No. 09/482,683, filed on January 14, 2000. Although the Examiner must be relying on one or more of these patent applications, the Office Action does not include the requisite showing to establish that these applications provide the necessary full support, in compliance with 35 U.S.C. § 112, for the subject matter of Holtz relied-upon in rejecting the claims of the present Application. See MPEP § 2136.03 (III).

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In this regard, since Holtz is itself a continuation-in-part, and claims the benefit of a series of continuation-in-part applications, Holtz by definition contains new matter not previously described in the continuation-in-part applications to which Holtz claims benefit. See MPEP § 201.08.

Since there has been no showing that Holtz is prior art, and since Holtz is not prior art, the rejection based on Holtz should be withdrawn. In addition, should the Examiner assert Holtz as prior art in a new grounds for rejecting the claims, such new grounds for rejection should be made non-final and should include a showing, in accordance with 35 U.S.C. § 112, first paragraph, that the subject matter of Holtz relied upon in making the rejection is fully supported by the description found in U.S. Patent Application Nos. 09/634,735, 09/488,578, and 09/482,683.

In view of the foregoing, the entire application is believed to be in condition for allowance, and such action is respectfully requested at the Examiner's earliest convenience.

The Applicant respectfully requests that a timely Notice of Allowance therefore be issued in this case. Should matters remain which the Examiner believes could be resolved in a further telephone interview, the Examiner is requested to telephone the Applicant's undersigned attorney.

In this regard, Applicant's undersigned attorney may be reached by phone in California (Pacific Standard Time) at (714) 708-6500. All correspondence should continue to be directed to the below-listed address.

The Commissioner is hereby authorized to charge any required fee in connection with the submission of this paper, any additional fees which may be required, now or in the future, or credit any overpayment to Account No. 50-2638. Please ensure that the Attorney Docket

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Number is referred when charging any payments or credits for this case.

Respectfully submitted,

Date: October 14, 2005



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